

REMARKS

In the November 28, 2006 Office Action, claims 15-17, 19, 20 and 34-37 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter that the Applicant regards as the invention.

Although Applicant believes that all rejected claims satisfy Section 112 in all respects, Applicant amended claims 15-17, 19, 20 and 34-37 to expedite prosecution of the application. It is submitted that it is clear in all pending claims whether the respective claim is for a method or a system.

The Office Action did not withdraw the restriction requirement with respect to claims 15-17, 19, 20 and 34-37, but the Examiner offered to withdraw the restriction requirement if Applicant made certain claim amendments. The Examiner's suggestion to add to claims 15-17, 20, 34 and 36 certain language relating to forwards spread trades is appreciated. However, Applicant does not wish to add such language to claims 15-17, 20, 34 and 36 which do not now expressly recite spread trades. Applicant respectfully requests reconsideration of the restriction requirement based on the prior substantive examination of all now pending claims, including treatment in a number of prior Office Actions, personal interviews and responses to Office Actions.

However, in order to ensure that prosecution advances, Applicant again provisionally elects claims 19 and 35¹ for further examination should the restriction requirement be maintained. And should the restriction requirement be maintained, Applicant respectfully requests that the Examiner cancel the non-elected claims (15-17, 20, 34, 36 and 37) by Examiner's Amendment and proceed to further examine claims 19 and 35 on the merits.

Applicant believes that all pending claims are allowable over the prior art of record for reasons previously presented. However, with respect to claims 19 and 35, Applicant respectfully submits that those claims patentability distinguish over Wilton et al. at least for the following previously argued reasons. The Wilton et al. system either automatically executes individual

¹ The election made in the Response to June 29, 2005 Office Action previously elected claims 19 and 25. Claim 25 had been cancelled previously, and Applicant intended to provisionally elect claim 35. Group II in the previous restriction requirement included claims 19 and 35, which confirms that election of claim 35 was intended and that the prior election of claim 25 was a mistake.

trades related to an arbitrage opportunity identified on behalf of the user who entered arbitrage opportunity parameters, or provides an alert to the user who entered the arbitrage opportunity parameters, who may then elect to proceed or not. The Wilton et al. system, in the embodiment in which an alert is given, identifies an arbitrage opportunity only to the user who entered arbitrage opportunity parameters. Claim 19, on the other hand, provides for the system to automatically generate a forwards order, and then display the automatically-generated order on display devices of user terminals, at a user terminal of which a party may enter a request to execute the automatically-generated and displayed order.

In view of the above, the Applicant respectfully requests examination on the merits and allowance of all pending claims. The Applicant's undersigned representative is available at the telephone number indicated below should the Examiner wish to discuss any issue in this application, and the Examiner is invited to call to discuss any issue that could advance prosecution of this application.

Respectfully submitted,



Frank J. DeRosa (Reg. No. 26,543)
Customer No.: 29858
THELEN REID BROWN RAYSMAN &
STEINER LLP
900 Third Avenue
New York, New York 10022
Tel: (212) 895-2010
Fax: (212) 895-2900